

Scheindler, S

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

This Document Relates To:

City of Fresno v. Chevron U.S.A., et al.,
Case No. 04 Civ. 4973 (SAS)

STIPULATED DISMISSAL WITH PREJUDICE
OF LYONDELL CHEMICAL COMPANY AND ARCO CHEMICAL COMPANY

WHEREAS Plaintiff City of Fresno agreed to dismiss all claims with prejudice against Lyondell Chemical Company and ARCO Chemical Company pursuant to Federal Rule of Civil Procedure 41(a)(2);

WHEREAS the parties now respectfully request that the Court enter the following stipulation and order of dismissal:

THE PARTIES HEREBY STIPULATE AND AGREE that the Court is hereby authorized and requested to execute and enter the attached Order of Dismissal and to make all such orders and judgments which may be necessary and proper to dismiss the above-titled action against Lyondell Chemical Company and ARCO Chemical Company with prejudice.

THE PARTIES FURTHER STIPULATE AND AGREE that each of the parties to this stipulation shall bear and pay all of their own costs, expenses, and attorney's fees

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heretofore incurred or to be incurred in connection with this stipulation and order of dismissal.

SO STIPULATED.

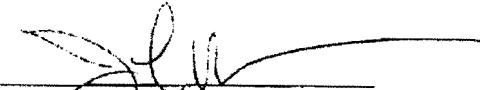
Dated: September 30, 2013

MILLER, AXLINE & SAWYER
A Professional Corporation

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Dated: September 30, 2013

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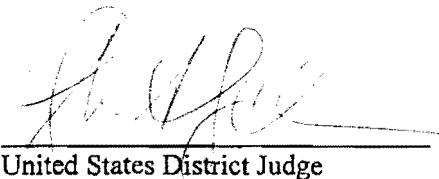
[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE

After having considered the parties' Stipulated Dismissal of Lyondell Chemical Company and ARCO Chemical Company, and for good cause shown, the Court hereby:

ORDERS, ADJUDGES, AND DECREES that claims and demands of Plaintiff City of Fresno against Lyondell Chemical Company and ARCO Chemical Company are hereby DISMISSED WITH PREJUDICE pursuant to Fed.R.Civ.P. 41(a)(2). Each party shall bear its own costs, expenses, and attorney's fees in connection with this dismissal.

IT IS SO ORDERED.

Dated: 10/21/13


United States District Judge

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1 **PROOF OF SERVICE VIA LEXISNEXIS FILE AND SERVE**

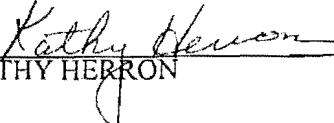
2 I, the undersigned, declare that I am, and was at the time of service of the paper(s) herein
3 referred to, over the age of 18 years and not a party to this action. My business address is 1050
Fulton Avenue, Suite 100, Sacramento, CA 95825-4225.

4 On the date below, I served the following document on all counsel in *City of Fresno v.*
5 *Chevron U.S.A., Inc., et al.*, Case No. 04 Civ 4973 (SAS), electronically through LexisNexis
File & Serve:

6 **STIPULATED DISMISSAL WITH PREJUDICE OF LYONDELL CHEMICAL
COMPANY AND ARCO CHEMICAL COMPANY**

7
8 I declare under penalty of perjury under the laws of the United States of America and the
State of California that the foregoing is true and correct.

9 Executed on October 1, 2013, at Sacramento, California.

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12 KATHY HERRON
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